

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD JOSEPH CRANE,
Plaintiff,
v.
G. LOPEZ, ET. AL.,
Defendants.

Case No. 1:22-cv-00922-ADA-HBK (PC)

ORDER MOOTING PLAINTIFF'S
CONSTRUED MOTION TO REMAND,
DENYING or FINDING MOOT MOTIONS
FOR EXTENSION OF TIME

(Doc. Nos. 6, 10, 11, 13)

Plaintiff Richard Joseph Crane initiated this action proceeding pro se by filing a complaint in the Kings County Superior Court. (Doc. No. 4). Defendants filed a notice of removal of this action in July 2022 and request for the Court to issue a screening order. (Doc. No. 1).

Pending before the Court are several motions including: (1) Plaintiff's "motion pursuant to Federal Rules of Civil Procedure 12(b)(1),(2),(3), and (g), and Rule 81, 28 USC 1738" filed on August 10, 2022 (Doc. No. 6), which the Court previously construed as a motion to remand (*see* Doc. No. 7); (2) Plaintiff's motion to remand pursuant to 28 U.S.C. § 1446(b), filed on August 25, 2022 (Doc. No. 9) to which Defendant filed an opposition (Doc. No. 12), and plaintiff filed a reply (Doc. No. 15); (3) Plaintiff's motion for 15-day enlargement of time to file supplemental brief, filed September 1, 2022 (Doc. No. 10); (4) Plaintiff's motion for 30-day extension of time

1 to file a reply, filed September 9, 2022 (Doc. No. 11); and (5) Plaintiff's second motion for an
2 extension of time to file a reply to Defendants' opposition to the motion for remand filed on
3 September 27, 2022 (Doc. No. 13).

4 As noted, the Court previously construed Plaintiff's motion, filed on August 10, 2022, as a
5 motion to remand based on the relief sought. (*See* Doc. No. 7) (citing Doc. No. 6 at 1). Thus,
6 the Court deems the later-filed motion to remand (Doc. No. 9) an amended motion to remand,
7 which moots the earlier-filed, construed motion to remand. The Court now turns to address
8 Plaintiff's multiple extensions of time. (Doc. Nos. 10, 11, 13). In his first motion, Plaintiff
9 sought 15 days to supplement his motion to remand. (Doc. No. 10). Considering Plaintiff has
10 filed an amended motion to remand (Doc. No. 9), Plaintiff's motion for extension to file a
11 supplement is moot as the amended motion is a free-standing pleading. Plaintiff's next two
12 motions seek extensions of time to file a reply. (Doc. Nos. 11, 13). Plaintiff filed his first motion
13 on September 9, 2022 (Doc. No. 11) before Defendants filed their opposition on September 15,
14 2022 (Doc. No. 12). Thus, Plaintiff prematurely filed his first motion. Plaintiff then filed his
15 second motion on September 27, 2022 (Doc. No. 13) requesting additional time to file a reply.
16 However, Plaintiff filed his reply on October 3, 2022, and filed a supplemental reply on October
17 21, 2022. (Doc. Nos. 15, 16). The Court is required to afford Plaintiff the benefit of the mailbox
18 rule due to his prisoner status. Thus, his reply, which is dated September 29, 2022 but not
19 docketed until October 3, 2022, was timely filed. *See* Local Rule 230(l) (requiring replies to be
20 filed within 14 days). Therefore, the Plaintiff's second motion for extension of time is deemed
21 moot as no extension of time was required.

22 In closing and for clarity purposes, the Court deems Plaintiff's motion to remand as fully
23 briefed and ripe for review. (Doc. Nos. 9, 12, 15, 16). Finally, although Plaintiff is proceeding
24 pro se, he should refrain from prolific filing of motions. Prolific filing in cases only serves to
25 further delay resolution of cases and congest the court's docket.

26 Accordingly, it is **ORDERED**:

27 1. Plaintiff's construed motion to remand filed August 8, 2022 (Doc. No. 6) is MOOTED
28 by Plaintiff's amended motion to remand filed August 25, 2022 (Doc. No. 9) and shall be

1 terminated as a pending motion.

2 2. Plaintiff's motion for an extension of time to supplement his motion to remand (Doc.
3 No. 10) is DENIED.

4 3. Plaintiff's motion for an extension of time to file a reply (Doc. No. 11) is DENIED as
5 premature.

6 4. Plaintiff's motion for extension of time to file reply (Doc. No. 13) is MOOT.

7
8 Dated: December 13, 2022


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE